

REMARKS

This paper is submitted in response to the Office Action mailed on April 25, 2011. Claims 4-23 and 27 have been amended and claim 28 has been added. Claims 1-3 and 24-26 remain withdrawn. Many of the amendments are made to conform the claims to U.S. practice. The amendments made to claims 4 and 27 highlight the substantive issues raised in the Office Action. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Telephonic Interview

Applicant and the undersigned current counsel appreciate the courtesy extended by Examiners Cigna and Bryant during a telephonic interview conducted on May 4, 2011. This interview was conducted by prior counsel and current counsel's knowledge of the interview is based on the Interview Summary mailed on May 9, 2011 ("Interview Summary I"). During the interview, the Examiner and prior counsel discussed a proposed amendment to independent claim 4 and also discussed a new independent claim, claim 28. The amendment to claim 4 proposed by prior counsel was directed to a connecting means "receiving the entire load of the crane thereon." Examiner Cigna conceded that EP 1101934 ("Weitkamp") did not teach "that the entire load of the crane is received on the connecting means." Interview Summary I, see Continuation Sheet. Claim 28 was directed to the mast of the crane being upwardly

extending from the turbine hub. Examiner Cigna acknowledged that the previously cited prior art did not teach such a recitation as well. *Id.* Agreement was therefore reached concerning this case. *Id.*

However, as Examiner Cigna pointed out in the Interview Summary I, in regard to the proposed amendment to claim 4, this amendment significantly narrowed the claim scope and could, in his view, be easily overcome. Applicant agrees with Examiner Cigna's position and appreciates his frankness regarding the amended claim.

Accordingly, after current counsel took over the case, Applicant requested a second interview to address the severity of the previously proposed amendment, which Examiner Cigna kindly granted. A second telephonic interview was conducted on August 23, 2011 and memorialized in an Interview Summary mailed September 1, 2011 ("Interview Summary II"). During this interview, current counsel proposed an amendment to claim 4 reciting connecting means "receiving substantially the entire load of the crane thereon." The purpose of this amendment was indeed to convey that the majority of the load of the crane is supported by the connecting means and that a competitor, by simply adding an inconsequential load-bearing component to a location other than the hub, could not overcome the claim. Examiner Cigna's supervisor was detained and could not attend the second interview. Therefore, approval of the proposed amendment could not be given at that time. However, Examiner Cigna indicated that he would discuss the matter with his supervisor and would give current counsel a phone call to inform him as to the outcome of that discussion. A few days

later, Examiner Cigna did call current counsel and indicated that his supervisor approved of the proposed amendment.

During the interview, and as pointed out in the Interview Summary II, Examiner Cigna posed a number of questions to current counsel. The first question was directed to clarifying what constituted the crane. Indeed, the crane is best illustrated in Figs. 7-9 and is described in paragraph [0034] of the specification. From this passage, Applicant confirms Examiner's Cigna's understanding that the mast 30 and the jib 31 are part of the crane and that the connecting means is not part of the crane, but constitutes part of the equipment for servicing the wind turbine (as provided in claim 4). The second question posed by Examiner Cigna was directed to whether the asserted "connecting means" in Weitkamp could provide for substantially the entire load of the crane. Current counsel argued that he believed that one of ordinary skill in the art would not read Weitkamp and come away with the understanding that the eyelet on the hub of Weitkamp (see Fig. 2 of Weitkamp) could support substantially the entire load. This argument was supported by the structure of the crane itself with crane arms 54 extending down to the nacelle and the tie-downs 68 appearing to be for positional purposes and not load-bearing purposes. Lastly, Examiner Cigna posed a question directed to the motive force for lifting the load via wire 42. While there is no express mention of the motive force for moving wire 42, it was agreed that one of ordinary skill in the art would understand that there is such a motive force and it would be located on the jib near the trolley or on the trolley itself.

Applicant has amended the independent claims in accordance with these two interviews. Applicant acknowledges that while Examiner Cigna indicated that an additional search would be required, he was of the view that the best prior art had been located.

Rejections under 35 U.S.C. § 112

Claim 13 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In this regard, the Examiner asserts that claim 13 invokes 35 U.S.C. §112 as means plus function, but that the specification does not identify any structure for performing the function as claimed. Applicant respectfully disagrees. In this regard, paragraphs [0032] and [0033] point to structure for performing the releasing function recited in claim 13. More particularly, these paragraphs disclose that bottom flange 20 of the connecting piece 5 is inclined by an angle α and includes bolts 25 that are also inclined and extend into cavity 19 that has the cement-like substance. This structure is shown in Fig. 6, for example. As the bolts 25 are tightened, the ends thereof contact the surface 7 of the hub 1 to raise the connecting piece 5 away from the surface 7 and thereby free itself from the hub. Based on these passages, Applicant respectfully submits that the specification provides sufficient structure corresponding to the recited function and respectfully requests that the rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 4-6, 8, 18, and 27, of which claims 4 and 27 are independent, stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weitkamp. In accordance with the interview, claim 4 has been amended to recite that the connecting means receives "substantially the entire load of the crane thereon." As agreed to in the interview, Weitkamp fails to teach or suggest a crane having a connecting means for securing the crane to the hub having the features recited in independent claim 4. Accordingly, Applicant submits that as amended, Weitkamp fails to teach or suggest the combination of elements recited in claim 4 and respectfully requests that the rejection be withdrawn.

Moreover, claims 5, 6, 8 and 18 depend from independent claim 4, and as each of these claims also recites a combination of elements not taught or suggested by Weitkamp, Applicant submits that these claims are allowable as well and respectfully requests that the rejections be withdrawn.

Turning to independent claim 27, this claim has been amended in a manner similar to that of claim 4. Namely, claim 27 has been amended to recite "connecting means for securing the equipment, including the crane, to a surface of the hub such that the connecting means receives substantially the entire load of the crane thereon." Thus for the reasons provided above in regard to claim 4, Applicant submits that Weitkamp fails to teach or suggest the combination of elements recited in claim 27 and that the claim is allowable. Accordingly, Applicant respectfully requests that the

rejection be withdrawn.

Claims 10-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weitkamp and further in view of U.S. Patent No. 4,915,590 to Eckland et al. ("Eckland"). Each of claims 10-15 ultimately depends from allowable independent claim 4, and further as Eckland fails to cure the deficiency in Weitkamp discussed above, Applicant submits that these claims are allowable as well. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

Claims 19-21 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weitkamp and further in view of U.S. Patent No. 4,002,243 to Kramer ("Kramer"). Each of claims 19-21 and 23 ultimately depend from allowable independent claim 4, and further as Kramer fails to cure the deficiency in Weitkamp discussed above, Applicant submits that these claims are allowable as well. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

New Claim

Claim 28 has been added through this Response. Claim 28 corresponds to the second claim discussed during the first interview. As noted above, the Examiner indicated that the subject matter of this claim did define over Weitkamp. Applicant notes that current claim 28 is slightly modified to that presented during the interview. These modifications, however, are stylistic (e.g., no inferential claiming) and that the subject matter of the two claims are essentially identical. Thus, in accordance with the

interview, Applicant submits that new claim 28 is allowable.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this effect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicant does not believe that any fees are due in connection with this response other than a two month extension of time fee, which is being paid concurrently herewith. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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